consisting of Arabinopyranoside, Fucopyranoside, Galactosaminide, Glucosaminide, Glucopyranoside, Glucuronic acid, Lactopyranoside, Maltopyranoside, Mannopyranoside, and Xylopyranoside and from the indicator group consisting of 5-Bromo-4-chloro-3-indoxyl, 5-Bromo-6-chloro-3-indoxyl, 6-chloro-3-indoxyl, 5-Bromo-3-indoxyl, 5-Iodo-3-indoxyl, 3-indoxyl, 2-(6-Bromonaphthyl), 6-Fluoro-3-indoxyl 2-Nitrophenyl, 4-Nitrophenyl, 1-Naphthyl, Naphthyl AS-BI, 2-Nitrophenyl-N-acetyl, 4-Nitrophenyl-N-acetyl, and 4-Methylumbelliferyl.

C1 concld.

18. The method according to claim 15 wherein the buffer can be selected from the group consisting of citrate, hepes, tris (trizma), taps, popso, tes, mopso, tricine, mops, mes, bicine, bes, caps, epps, dipso, ches, capso, ampso, aces, ada, bis-tris-propane, tapso, heppso, tea, amp, phosphate, phthalate, succinate, hydrochloric acid, sulfuric acid, nitric acid, acetic acid, sodium hydroxide, and potassium hydroxide.

Remarks

Applicant has cancelled all previous claims and has substituted new claims to clearly distinguish over the prior art as cited by the Examiner and objections based on 35 U.S.C § 102, 103, and 112.

Item number 3 (three) of the advisory action by the Examiner states the proposed amendment(s) will not be entered because they raise new issues that would require further consideration and/or search is not true. The amended claims as presented in this office action are derived directly from the novel methods as taught by this invention. For instance, the new claim number 11 (eleven) is derived directly from the **original specification,** see pages number 36, 42, 47, etc.... New claim number 12 (twelve) is derived directly from the **original specification**, see pages number 37, 44, 48, 53, etc.... New claim number 13 (thirteen) is derived directly from the **original specification**, see pages number 37, 44, 48, 53, etc.... New claim number 14 (fourteen) is derived directly from the **original specification**, see pages number 24, 37, 43, etc.... New claim number 15 (fifteen) is derived directly from the **original specification**, see pages number 64, 71, 72, 73, 75, etc.... New claim number 16 (sixteen) is derived directly from the **original**

specification, see pages number 63, 64, 65, 66, etc.... New claim number 17 (seventeen) is derived directly from the **original specification**, see pages number 63, 64, 65, 66, etc.... New claim number 18 (eighteen) is derived directly from the **original specification**, see pages number 24, 37, 43, etc... To say that they raise new issues would be in error. These claims are the heart of the novelty of the patent. These claims **cannot be new issues** because these concepts are the issue. There has been **no new matter** brought forward by these claims because there has been no change to the specification. An argument on this basis would not withstand judicial scrutiny. To require the present art and application to go in front of the Board of Appeals in view of the novelty is unnecessary.

In addition the Examiner has yet to bring forth any prior art that even remotely resembles the present art. Again, the Examiner's arguments are based on the collection of prior art that is not even relative to the present technology, none of the prior art demonstrates one formula, one method that even remotely resembles the present art, and therefore will not withstand judicial scrutiny. As the Courts have stated, " It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that one cannot use hindsight construction to pick and choose among isolated disclosures in the prior art to depreciate the claimed invention." in re Fritch supra, 1784. "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so." In re Fritch, 23 USPQ 2d 1780, 1783 (CAFC 1992). There has been no such suggestion or incentive.

In addition, **item number 3** (three) of the advisory action by the Examiner states that there are new issues which include "microparticle". Again this is not a new issue. This has been stated in the original specification and almost every example. See the specification pages number 16,17, 26, 27, 30, 31, 32, 33, 38, 39, etc... The microparticle term was used specifically in examples 1, 2, 3, etc... To say this is a new issue would only seem to come from the lack of reading the specification and understanding the technology. Again, this will not withstand judicial scrutiny.

In addition, **item number 3** (three) of the advisory action by the Examiner states that there are new issues which include "beta-glactosidase-HIV antigen" as a new issue. Again this is not a new issue. This has been stated in the original specification, see specifically example number 7 (solution) 1 (one). See also the original specification pages number 63, 64, 65, etc... Again, to say this is a new issue would seem only to come from the lack of reading the specification and understanding the technology. Again, this will not withstand judicial scrutiny.

In addition, **item number 3** (three) of the advisory action by the Examiner states that there are new issues which include "enzymes and indicators" as a new issue. Again these are not new issues. They have been stated in the original specification, see specifically example number 7 (solution) 1 (one). See also the original specification pages number 63, 64, 65, etc... Again, to say this is a new issue would seem only to come from the lack of reading the specification and understanding the technology. Again, this will not withstand judicial scrutiny.

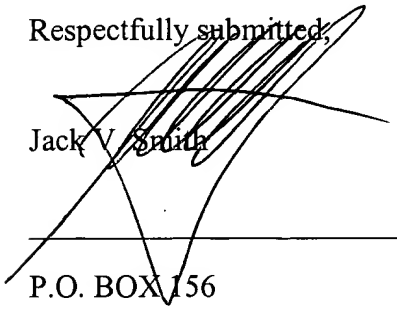
Item number 11 (eleven) of the advisory action by the Examiner states raises the issue that the specification uses conventional assay formats and there does not appear to be any unexpected results. The applicant respectfully requests the examiner to product **one** prior art claim, example, or teaching that uses the methods and formulas as directed by the specification. **All** of the examples produce unexpected results because it has never been done before. There have never been any teachings that can match this comprehensive specification. Therefore, all of the results are **unexpected** because they are **all new and novel**. Without this **showing** by the Examiner this argument for denying this technology a patent has absolutely no chance of withstanding judicial scrutiny. I have 20 US and Foreign patents in my name. Several of the patents I have were on appeal. If the courts again stand behind the Law this specification will be awarded a patent.

Therefore, it is the applicant's opinion that this technology will produce a patent; there is just too much novelty that has never been taught to prevent a patent from being awarded. In view of that, everyday this technology is delayed from being awarded a patent thousands of innocent people are being exposed to the deadly HIV virus that could have used this technology to prevent exposure. Regardless, the technology is currently being worked on with regard to the FDA and regulatory issues, however it is slowed

because I have to protect the proprietary technology (which is patentable) from the FDA and others to prevent the technology from being stolen which greatly slows bringing this product to market without any patent protection.

In view of the above, it is believed that the new claims 11-18 place the application in condition for allowance. Such action is earnestly solicited.

Respectfully submitted,



Jack V. Smith

_____ Applicant Pro Se _____

P.O. BOX 156

Arden, NC 28704

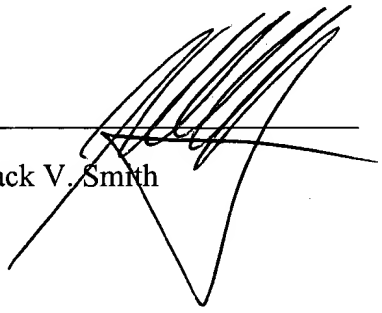
Phone: 828-650-0410 or 828-275-0343 or 800-905-4272

Fax: 828-650-0359

Certificate of Mailing

Certificate of Mailing: I certify that on the date below this document and referred attachments, if any, will be deposited with the US Postal service as first class mail in and envelope addressed to: "Box Non-Fee Amendments" Assistant Commissioner for Patents, Washington, D.C. 20231

Date:3/24/01



Signed:Jack V. Smith